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US Patent and Trademark Office

SERIAL NO.: 10/623,241

TELEFAX:

MAIL STOP Issue Fee
571-273-8300

ATTORNEY DOCKET NO.:

100723-14

DATE:

June 24, 2008**MESSAGE:**

I hereby certify that the following papers are being transmitted by facsimile to the Patent and Trademark Office on the date shown below:

- Petition to Withdraw Holding of Abandonment (2 pages)
- Prima Facie Evidence (2 pages)
- Fax Cover sheet - (1 page)

CHARGE DEPOSIT ACCOUNT 14-1263

By

Estela NoyolaDate June 24, 2008

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JUN 24 2008

Attorney Docket: 100723-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JURGEN HORN, ET AL.
USSN.: 10/623,241
FILING DATE: July 18, 2003
FOR: Gama-Sterilisable Nutrient Medium Based on Casein Soya Peptone Agar
ART UNIT: 1657
EXAMINER: Kailash C. Srivastava
CUSTOMER NO.: 27,388

Mail Stop: Issue Fee
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

The above-identified application is apparently held abandoned for failure to timely pay the required issue and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicants respectfully request that the Commissioner exercise his authority and withdraw the holding of abandonment in view of the following facts:

A Notice of Allowance was mailed to the Applicant on February 14, 2008. On April 22, 2008 Applicant faxed the appropriate Fee transmittal to Mail Stop Issue Fee. However, due to a clerical error Applicant inadvertently did not check the appropriate fees to be paid.

Copies of the Fee Transmittal and the facsimile transmittal confirmation showing that the Applicant attempted to timely pay the required issue fee and publication fee are attached hereto.

Petition to Withdraw Holding of Abandonment
U.S. Serial No. US 10/623,241

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The facsimile transmittal of mailing constitutes prima facie evidence that the Fee Transmittal was timely filed.

Applicants request, therefore, that the Commissioner exercise his authority and correct the record to show that this application is pending and has not been abandoned. Specifically, it is respectfully requested that the Notice of Abandonment be withdrawn and the application returned to active status.

FEE

The director is hereby authorized to charge the required issue fee and publication fee in the amount of \$1740.00 to Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By 

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TO: Fax Sender at 2128080844
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Received
 Cover
 Page

04/22/2008 14:01 2128080844 NORRIS MCLAUGHLIN PAGE 01/01

PART B - FEE(S) TRANSMITTAL
 Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE-ACK
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (570) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and RECDATION FEE (if applicable). Please follow the instructions below. If you are submitting a fee, please indicate the amount of the fee in the designated space. If you are submitting a fee, please indicate the amount of the fee in the designated space. If you are submitting a fee, please indicate the amount of the fee in the designated space.

1. Change of correspondence address or indication of "The Address" (37 CFR 1.33).
☐ Change of correspondence address (or Change of Correspondence Address) with PTO/USPTO.
☐ "The Address" indication (or "The Address" indication) form (PTO/USPTO) (Rev. 02-01) or other notice attached. Use of a Customer Number is required.

2. For printing on the patent front page, list:
 (1) the name of up to 3 registered patent attorneys or agents (P.R.A. or P.R.G.)
 (2) the name of a single firm, law firm, or member of a registered attorney or agent and the name of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (Rev. 02-01)
 PLEASE NOTE: Names of assignees in identified below, as assignees that will appear on the patent. If an assignee is identified below, the document has been filed for publication or not for 37 CFR 1.31. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
 (B) RESIDENCE (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☒ Individual ☐ Corporation or other private group entity ☐ Government

4. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (for small entity discount period)
☐ Advance Order - \$ of Copies

5. Payment of Fee(s): (Please check appropriate box) ☐ Payment by credit card, Form PTO-5033 is attached. ☐ Check is enclosed. ☐ The Director is authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number.

6. Change in Entity Status (from what is indicated above):
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.301.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.371(c).

7. ATTENTION: The Issue Fee and Publication Fee (if applicable) will be assessed from anyone who files the application, a legal representative or agent, or the small group or other party to the application as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: [Signature] Date: April 22, 2008
 Typed or printed name: Serie I. Nogue Endorsement No.: 25.900

The collection of information is required by 37 CFR 1.311. The information is required in order to obtain a benefit by the public which is to be used by the USPTO to process an application. The information is required by 37 CFR 1.311. This information is required to obtain a benefit by the public which is to be used by the USPTO to process an application. The information is required by 37 CFR 1.311. This information is required to obtain a benefit by the public which is to be used by the USPTO to process an application.

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